



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688
Oakland, CA 94604-2688
(510) 464-6000

2010

January 8, 2010

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VIA FEDERAL EXPRESS

Mr. Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Avenue, Suite 1420
Los Angeles, CA 90017

Re: Request for Information Pursuant to Section 104(e) of CERCLA for the
Yosemite Creek Superfund Site, San Francisco, California

Dear Mr. Whitenack:

This responds to Mr. Hanson's October 15, 2009 request for information ("RFI") of the United States Environmental Protection Agency ("EPA") regarding the Yosemite Creek Superfund site (the "Site"), addressed to me and Mr. Blalock, President of the Board of Directors of the San Francisco Bay Area Rapid Transit District ("BART"). As requested, I am directing BART's response to the RFI to you.

We bring to your attention, as a preliminary matter, that in May 1992, the California Department of Toxic Substances Control ("DTSC") asked BART to provide information regarding its dealings with the Bay Area Drum Company ("BAD") located at 1212 Thomas Avenue, San Francisco, California ("Bay Area Drum Site"). Specifically, the DTSC asked BART to provide information about (1) the number of drums shipped to BAD through 1987; (2) the substance(s) in those drums; (3) the type and capacity of drums; (4) the disposition of drums after use of their contents; (5) the residual level of the contents of drums; (6) methods used to measure the residual level of drum contents; and (7) the number of drums shipped to BAD for disposal or reconditioning.¹ By letter dated June 16, 1992, Mr. Luce, BART's Safety Manager, advised DTSC that no records could be located regarding BART's dealings with BAD.² In fact, during the many years that the matter was pending and until the entry of a consent order by Judge Hamilton in July 2001, only 28 drums were traceable to BART, representing 0.006% of the total number of drums associated with the site.

¹ BART was formally notified that the DTSC considered it a Potentially Responsible Party (PRP) by letter dated May 22, 1992, a copy of which is enclosed.

² Copies of the letters to and from Mr. Luce are enclosed.

In 1995, BART entered into a buy-out and indemnity agreement with the Bay Area Drum Ad Hoc PRP Group and as you know from Mr. van Aelstyn's June 30, 2008 letter to Michael Massey of the EPA, that group is providing BART with a defense to EPA's claims with respect to the Yosemite Creek Site ("Site"). In that regard, we note here that BART's ability to respond to the RFI is restricted, not only by its limited involvement with BAD, but also by the fact that its participation in issues related to the Bay Area Drum site ended more than 14 years ago when it entered into the buy-out and indemnity agreement with the Bay Area Drum Ad Hoc PRP Group.

We also take this opportunity to submit that BART is, at most, a very de minimis PRP and thus, EPA policies and guidelines regarding the same should be considered before requesting BART undertake onerous discovery burdens. Nevertheless, in a good faith effort to comply, BART has re-reviewed its files and confirmed that other than the information already provided in response to the DTSC investigation, it is not able to locate any information of its dealings with BAD or the Bay Area Drum site.

GENERAL STATEMENT

In responding to the RFI, BART has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control that are relevant to this matter. The RFI, however, purports to seek a great deal of information that is not relevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between BART and the former Bay Area Drum State Superfund Site at 1212 Thomas Avenue in San Francisco, California (the "BAD Site"), certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to the Site. Because such questions are not relevant to the Site, they are beyond the scope of EPA's authority as set forth in Section 104(e)(2)(A) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") (EPA may request information "relevant to . . . [t]he identification, nature, and quantity of materials which have been . . . transported to a . . . facility").

The RFI also defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, dichlorodiphenyltrichloroethane ("DDT"), chlordane, dieldrin, and polychlorinated biphenyls ("PCBs")." However, certain RFI requests also seek information regarding hazardous substances more broadly. These requests go beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and are not relevant to the Site pursuant to Section 104(e)(2)(A) of CERCLA.

As you know, and as noted above, the DTSC conducted an extensive investigation of the BAD Site and BART's operations in connection with it. DTSC's investigation included an information request to BART and the DTSC files include BART's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these

files, they are readily available to EPA. Thus, the focus of BART's identification, review and retrieval of documents has been upon data that has not been previously provided to EPA, DTSC or any other governmental agency that is relevant to the Site.

GENERAL OBJECTIONS

BART asserts the following general privileges, protections and objections with respect to the RFI and each information request therein.

1. BART asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, all privileges and protections related to materials generated in anticipation of litigation, the settlement communication protection, the confidential business information ("CBI") and trade secret protections, and any other privilege or protection available to it under law. In the event that a privileged or protected document has been inadvertently included among the documents produced in response to the RFI, BART asks that any such document be returned to BART immediately and here states for the record that it is not thereby waiving any available privilege or protection as to any such document.
2. In the event that a document containing CBI or trade secrets has been inadvertently included among the numerous documents provided in response to the RFI, BART asks that any such documents be returned to BART immediately so that BART may resubmit the document in accordance with the applicable requirements for the submission of Confidential Information.
3. BART objects to any requirement to produce documents or information already in the possession of a government agency, including but not limited to DTSC, or already in the public domain. As noted above, DTSC conducted an extensive investigation of the BAD Site and BART's operations in connection with it. DTSC's investigation included an information request to BART and the DTSC files include BART's Response to DTSC's information request. EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA. Notwithstanding this objection, and without waiving it, BART may produce certain information or documents in its possession, custody, or control that it previously provided to or obtained from government agencies that contain information responsive to the RFI.
4. BART objects to Instruction 4 to the extent it seeks to require BART, if information responsive to the RFI is not in its possession, custody, or control, to identify any and all persons from whom such information "may be obtained." BART is aware of no obligation that it has under Section 104(e) of CERCLA to identify all other persons who may have information responsive to EPA information requests and is not otherwise in a position to identify all such persons who may have such information.

5. BART objects to Instruction 5 on the ground that EPA has no authority to impose a continuing obligation on BART to supplement these responses. BART will, of course, comply with any lawful future requests that are within EPA's authority.
6. BART objects to Instruction 6 in that it purports to require BART to seek and collect information and documents in the possession, custody or control of individuals not within the custody or control of BART. EPA lacks the authority to require BART to seek information not in its possession, custody or control.
7. BART objects to the RFI's definition of "document" or "documents" in Definition 3 to the extent it extends to documents not in BART's possession, custody, or control. BART disclaims any responsibility to search for, locate, and provide EPA copies of any documents "known [by BART] to exist" but not in BART's possession, custody, or control.
8. BART objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.
9. BART objects to the definition of "identify" in Definition 7 to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, current BART employees and any other natural persons are identified by name and corporate address. BART requests that any contacts with BART employees identified in these responses or the related documents be initiated through the undersigned.
10. BART objects to the definition of "you," "Respondent," and "BART" in Definition 14 because the terms are overbroad and it is not possible for BART to answer questions on behalf of all the persons and entities identified therein. Notwithstanding this objection, and without waiving it, BART has undertaken a diligent and good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the RFI.
11. BART objects to EPA's requests that BART provide EPA separately information that is contained in documents being furnished by BART in response to the RFI. Where documents have been provided in connection with a response, information sought by EPA in the corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

Subject to both the general and specific objections noted below, and without waiving these or other available objections or privileges, BART responds as follows:

RESPONSES TO OCTOBER 15, 2009 EPA INFORMATION REQUESTS

1. *Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout its history of operations.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds that it is a rapid transit district organized and existing under California Public Utilities Code Sections 28500 et seq. and is engaged in the mass transportation of passengers and their incidental baggage via trains running on 104 miles of heavy rail track, with 43 stations in four counties of the San Francisco Bay Area. BART performs maintenance and repair work on its trains, cars, vehicles and related equipment at facilities located in Hayward, Richmond, Daly City, Concord and Oakland.³ BART is not, and has never been, engaged in the manufacture, formulation or preparation of any product, as those terms are commonly understood. A more detailed history of BART may be found at www.bart.gov.

2. *Provide the name (or other identifier) and address of any facilities where Respondent carried out operations between 1940 and 1988 (the "Relevant Time Period") and that:*
 - a. *ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal, or sale.*
 - b. *are/were located in California (excluding locations where ONLY clerical/office work was performed);*
 - c. *are/were located outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

³ See enclosed organizational charts for BART's Operations Office, Rolling Stock & Shops and Maintenance & Engineering. The Oakland shop repairs and maintains non-revenue vehicles only.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, in addition to facilities with a connection to the BAD Site, Request No. 2 purports to also seek information regarding *any* facility located in California (excluding locations where ONLY clerical/office work was performed) and *any* facility located outside of California that shipped drums or other containers to *any* location in California, even to locations other than the BAD Site. These other facilities have no nexus with the BAD Site, and thus this request seeks information that is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds that based upon a re-review of its files, the only information available is that previously provided to DTSC showing a total of 28 drums traceable to BART, the contents of which are unknown. See also response to Request No. 1.

3. *Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*
 - a. *the date such operations commenced and concluded; and*
 - b. *the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In particular, but without limiting the generality of the foregoing objection, BART objects to the request in (b.) that it describe "types of work performed at each location over time" Without an identification by EPA of the types of work it is referring to, it would be virtually impossible, given the broad nature of possible work at BART's facilities, to describe each and every type of work that was performed at any facility. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see response to Request Nos. 1 and 2.

4. *For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest ("SOI") during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome to the extent it seeks to require BART to describe "types of records." Where documents have been provided in response to this RFI, each and every document regarding SOIs is not also "identified" by describing its contents. BART further objects to Request No. 4 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus BART has limited its review of documents and information to the COCs identified by EPA.

Notwithstanding the foregoing, and without any waiver of its objections, see response to Request No. 2.

5. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing the COCs) at any of the Facilities? State the factual basis for your response.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between COCs at BART's Facilities and the BAD Site, Request No. 5 purports to seek information relating to BART's Facilities that is not relevant to contamination at the Site.

Notwithstanding the foregoing, and without any waiver of its objections, see response to Request No. 2.

6. *If the answer to Question 5 is yes, identify each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

See response to Request Nos. 2 and 5.

7. *If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

RESPONSE:

See response to Request Nos. 2 and 5.

8. *If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

RESPONSE:

See response to Request Nos. 2 and 5.

9. *If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

See response to Request Nos. 2 and 5.

10. *Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. By removing any temporal limit and any nexus between hydraulic fuel or transformer oil at BART's Facilities and the BAD Site, Request No. 10 purports to seek information relating to BART's Facilities that is not relevant to contamination at the Site.

Notwithstanding the above and without a waiver of its objections, BART responds that its computerized procurement records for the period beginning in or about 2000 to date show that BART has purchased hydraulic fluid (Brayco, #776-RP and Quintolubric #888-68 or equivalent)) for use in its transit operations. BART has been unable to locate records for the period before 2000 and the relevant time period, but believes hydraulic fluid has been purchased in similar amounts during the relevant time period. See also response to Request Nos. 2 and 5.

11. *If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

RESPONSE:

See response to Request No. 10.

12. *If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored.*

RESPONSE:

See response to Request No. 10.

13. *If the answer to Question 10 is yes, identify the average annual quantity of each type hydraulic oil and transformer oil purchased, produced, used, or stored at each Facility.*

RESPONSE:

BART's purchasing records show that purchase orders were issued for (1) Brayco #776-RP hydraulic oil on 01/09/07 for 16 units; on 07/23/07 for 4 units; on 08/20/07 for 40 units; on 10/28/08 for 36 units; and on 11/05/09 for 45 units and (2) fire retardant hydraulic oil, Quintolubric #888-68 or equivalent on 07/22/04 for 6 units; on 02/15/06 for 6 units; on 07/30/07 for 6 units; 06/27/08 for 6 units; and on 07/17/08 for 6 units, each unit representing a 55 gallon drum. See also response to Request Nos. 2, 5 and 10.

14. *If the answer to Question 10 is yes, identify the volume of each hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

RESPONSE:

Without a waiver of its objections, BART responds that based upon available records, its average annual purchase of Brayco hydraulic fluid appears to be 1551 gallons and of fire retardant Quintolubric hydraulic fluid to be 412.5 gallons. BART has no information on the amount of hydraulic fluid it disposes of annually, but infers it does not exceed the average annual purchase volumes. Used hydraulic fluid is stored in underground storage tanks that are periodically emptied by an outside vendor and recycled. BART currently has a service contract with Valley Oil Company, P.O. Box 326, Mountain View, California 94042 for pickup and disposal of used hydraulic fluid.⁴ See also response to Request Nos. 2 and 5.

15. *Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your responses to Questions 5 and 10:*
- Describe briefly the purpose for which each SOI was used at the Facility. If there was more than one use, describe each use and the time period for each use;*
 - Identify the supplier(s) of the SOIs and the time period during which they supplied the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
 - State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*

⁴ Copy of the most current service contract with Valley Oil Company is enclosed.

- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 15 purports to seek information relating to BART's Facilities that is not relevant to contamination at the Site.

Notwithstanding the above and without a waiver of its objections, BART responds as follows:

- (a) Brayco #776-RP hydraulic fluid is used in the brake system of BART's trains; Quintolubric #888-68 or equivalent hydraulic fluid was used in an older model of rail grinder that is no longer in service.
- (b) Brayco hydraulic fluid has been supplied by Castrol Inc. Speciality and Air BP; Quintolubric has been supplied by Quaker Chemical Corp. and Golden Gate Petro and were purchased in the amounts and on the dates set forth in response to Request No. 10.
- (c) Since at least 2000, the hydraulic fluid has been delivered in 55 gallon drums; BART is unaware of any changes in the method of delivery over time.
- (d) Since at least the mid to late 1990s, BART's practice has been to steam clean the used drums on site and recycle them through a company that picks them up from a BART facility.⁵ BART currently has an arrangement with DC Metals, Inc., 2399 Davis Street, San Leandro, CA. 94577 for this purpose.

See also response to Request Nos. 2, 5 and 14.

16. *For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

⁵ For some period of time, the Richmond shop recycled its used drums through Container Management Services, LLC, 2209 Central Street, Richmond, CA 94801, but that company is no longer in business.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 16 purports to seek information relating to BART's Facilities that is not relevant to contamination at the Site.

Notwithstanding the above and without a waiver of its objections, BART responds as follows:

- (a) Hydraulic fluid (Brayco and Quintolubric or equivalent) was delivered in 55 gallon drums.
- (b) BART has no information with which to respond to this request.
- (c) See (b) above.

17. For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under which the SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. BART further objects to Request No. 17 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 17 purports to seek information that does not exist.

BART further objects to Request No. 17 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site.

Additionally, as stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 17 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: See responses to Request Nos. 2, 5, 14 and 15.

18. *For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identity all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the time period since 1988.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: See responses to Request Nos. 2, 5, 14 and 15.

19. *For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. BART further objects to Request No. 19 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 19 purports to seek information that does not exist. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 18 purports to seek information regarding SHCs that were sent to sites other than the BAD Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: See responses to Request Nos. 2, 5, 14 and 15.

20. *Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's*

resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. Request No. 20 purports to seek information relating to BART's Facilities that is not relevant to contamination at the Site. BART further objects to Request No. 20 as it purports to seek information regarding procurement of "Materials" at facilities other than the BAD Site and thus goes beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: Richard Wieczorek, Manager of Procurement, 300 Lakeside Drive, Oakland, CA 94612. He may be contacted through the undersigned.⁶

21. Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:

- a. the type of container in which each type of waste was placed/stored;*
- b. how frequently each type of waste was removed from the Facility; Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 21 purports to seek information regarding collection and storage of "any SOIs" at facilities other than the BAD Site. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: BART purchases 55 gallon drums to be used for the collection and storage of various hazardous materials at its work locations. The drums and their contents are collected periodically and disposed of by an outside vendor. BART currently has a service contract with North State Environmental, P. O. Box 2148, South San Francisco, CA 94080 for this service. See also responses to Request Nos. 2, 5, 14 and 15.

⁶ See also enclosed organizational chart for BART's Procurement Department.

22. Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. the colors of the containers;*
- c. any distinctive stripes or other markings on those containers;*
- d. any labels or writing on those containers (including the content of those labels);*
- e. whether those containers were new or used; and*
- f. if those containers were used, a description of the prior use of the container;*

Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. BART further objects to Request No. 22 as it assumes that each SHC is somehow individually identified, tracked, and used and reused by the same entity throughout the life of the SHC. There is no evidence that BAD operated in this way or that it tracked SHCs for its customers such that this information is available. Generally, SHCs, such as drums sent to drum reconditioners by a customer, are fungible commodities and are not individually tagged or tracked to ensure their return to that particular customer. Accordingly, Request No. 22 purports to seek information that does not exist.

As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. BART further objects to Request No. 22 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, BART objects to Request No. 22 as it purports to seek information regarding containers used to remove each type of waste containing any SOIs from the Facilities and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: The 55 gallon drums used for the collection of various hazardous materials from the work locations are labeled with a large yellow sticker (approximately 5" x 11") with red and black wording, including "workplace accumulation container, hazardous materials, handle with

care". The containers are purchased from EP Container Corp., 12750 Moore Street, Cerritos, CA 90703.⁷ See also responses to request Nos. 2, 5, 14 and 15.

23. *For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." Moreover, the RFI defined "COCs" as "any of the contaminants of concern at the Site and includes: lead, zinc, mercury, DDT, chlordane, dieldrin, and PCBs. BART further objects to Request No. 23 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site. Additionally, BART objects to Request No. 23 as it purports to seek information regarding waste generated at any Facilities that contained any SOIs and taken to *any* other place during *any* time. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: See response to request Nos. 2, 5, 14 and 14.

24. *Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

⁷ Copies of available purchase orders are enclosed.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds that Gary Jensen of BART's Safety Department oversees environmental compliance matters, but the responsibility for environmental compliance is shared among the various departments depending on the nature of the issue. Mr. Jensen may be contacted through the undersigned.⁸

25. Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds it has been unable to locate any records of drum purchases for the relevant time period other than that previously provided to the DTSC. See also responses to Request Nos. 2, 5, 14, 15 and 22.

26. Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. BART further objects to Request No. 26 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, BART has limited its review of documents and information to the COCs identified by EPA.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds as follows: See responses to request Nos. 2, 5, 14, 15 and 22.

27. Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.

⁸ See also enclosed organizational chart for BART's Safety Department.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. As stated in the RFI, "EPA is seeking to identify parties that have or may have contributed to contamination at the Site." However, Request No. 27 purports to seek information regarding a broad range of removal and remedial actions, corrective actions and cleanups. To the extent that EPA seeks information about facilities that have no nexus with the BAD Site, this request is not relevant to the Site. BART further objects to Request No. 27 to the extent that EPA is already in possession of the requested documents, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Notwithstanding the foregoing, and without any waiver of its objections, BART responds that it has not engaged in any removal or remediation actions with respect to the BAD site other than to enter into the buy-out and indemnity agreement with the Bay Area Drum Ad Hoc PRP Group.

28. Provide all records of communication between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. DTSC conducted an extensive investigation of the BAD Site and BART's operations in connection with it. DTSC's files include extensive records concerning the Bay Area Drum Company, Inc. and other persons and entities that owned or operated the facility located at 1212 Thomas Avenue, in the City and County of San Francisco, California. BART understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

29. Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used, or stored at the Facilities.

RESPONSE:

In addition to the General Objections set forth above, BART objects to this request as overbroad in scope, unauthorized by law to the extent it is overbroad, and unduly burdensome. In responding to the RFI, BART has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter. Moreover, BART understands that EPA is already in possession of DTSC's files

regarding the BAD Site. BART is under no further obligation to identify time periods to which these documents do not pertain.

30. Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.


RESPONSE:

BART objects to Request No. 30 as it purports to seek information relating to hazardous substances beyond the specific chemicals for which EPA purports to have evidence of a release or threatened release to the environment at the Site and that is not relevant to the Site; thus, BART has limited its review of documents and information to the COCs identified by EPA. BART further objects to Request No. 30 as it purports to seek copies of documents containing information responsive to the previous twenty-nine questions. DTSC conducted an extensive investigation of the BAD Site and BART's operations in connection with it. DTSC's investigation included an information request to BART and the DTSC files include BART's Response to DTSC's information request, among other documents. We understand that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA.

Any questions EPA may have regarding the responses to these information request may be directed to the undersigned.

Very truly yours,

OFFICE OF THE GENERAL COUNSEL



Thomas C. Lee
Attorney

Enclosure

cc: Nicholas W. van Aelstyn, Esq.



BAY AREA RAPID TRANSIT DISTRICT
800 Madison Street - Lake Merritt Station
P.O. Box 12688
Oakland, CA 94604-2688
Telephone (415) 464-6000

June 16, 1992
SD - 92 - 0689

Mr. Bill Motmans
Special Investigator
Office of Local Enforcement
400 P Street, 4th Floor
P.O. Box 806
Sacramento, Ca. 95812-0806

NELLO BIANCO
PRESIDENT

ERLENE DeMARCUS
VICE-PRESIDENT

FRANK J. WILSON
GENERAL MANAGER

Reference: Bay Area Drum Company Case,
letter dated May 11, 1992

DIRECTORS

JOE FITZPATRICK
1ST DISTRICT

NELLO BIANCO
2ND DISTRICT

SUE HONE
3RD DISTRICT

MARGARET K. PRYOR
4TH DISTRICT

ERLENE DeMARCUS
5TH DISTRICT

JOHN GLENN
6TH DISTRICT

WILFRED T. USSERY
7TH DISTRICT

ARLO HALE SMITH
8TH DISTRICT

MICHAEL BERNICK
9TH DISTRICT

Dear Mr. Motmans:

As requested in your letter, a record search has been conducted by the BART System Safety Department and the BART Stores Department in attempting to identify any transactions with Bay Area Drum Company. Unfortunately, there have not been any records found identifying business transactions with that company. A Safety Specialist from the System Safety Department attended a meeting on June 4, 1992, sponsored by Cal-EPA regarding the Bay Area Drum case. At that meeting, it was identified that the site was owned by several other companies over the years. Again, records do not identify transactions with previous named owners as well.

I will direct a member of my staff to arrange to review the documents that Cal-EPA presently possesses addressing this case. This should be accomplished within the first two weeks of July 1992.

Please contact my office regarding any questions or correspondence regarding this subject.

Sincerely,

Zoyd R. Luce
Zoyd R. Luce, Department Manager
System Safety Department

cc: M. Gomez - Legal

JUN 17 1992

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806

(916) 322-2831



MAY 11 1992

Mr. Zoyd Luce, Manager
Systems Safety Department
Bay Area Rapid Transit
1330 Broadway
P.O. Box 12688
Oakland, CA 94604-2688

RECEIVED

MAY 27 1992

SYSTEMS SAFETY DEPT.

Dear Mr. Luce:

This letter is to confirm our phone conversation of May 8, 1992 regarding B.A.R.T.'s past business relationship with the Bay Area Drum Company (BADC) located at 1212 Thomas Avenue, San Francisco.

The Department is interested in the nature of transactions between your company and BADC. As previously discussed, the Department is specifically interested in the following:

1. The approximate number of drums shipped to BADC through 1987.
2. The nature of the substances contained in subject drums.
3. The type and capacity of each drum.
4. The disposition of subject drums after the substances were used.
5. The residual level in each drum after they were shipped offsite.
6. Methods used to determine the residual levels in each drum.
7. Were drums sent to the BADC for reconditioning or disposal?

Please provide responses to the aforementioned questions within thirty (30) days of this letter. Compliance with the information request set forth is mandatory pursuant to § 25185.6, 25358.1, and 25358.3 of the California Health and Safety Code.

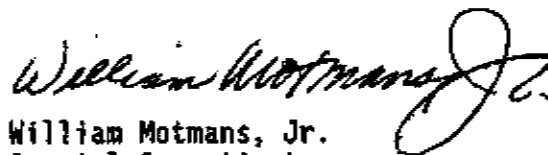
Please send your response to: Bill Motmans
Special Investigator
Office of Local Enforcement
400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806



Mr. Zoyd Luce
Page 2

I want to thank you for your courtesy and assistance during our conversation today and urge you to contact me if you need further clarification on any of these matters.

Sincerely,


William Motmans, Jr.
Special Investigator

Enclosures

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

REGION 2
700 HEINZ AVE., SUITE 200
BERKELEY, CA 94710-2737

May 21, 1992



Mr. Zoyd Luce, Manager
Systems Safety Department
Bay Area Rapid Transit
1330 Broadway
P.O. Box 12688
Oakland, CA 94604-2688

Dear Mr. Luce:

BAY AREA DRUM SITE, 1212 THOMAS AVENUE, SAN FRANCISCO, CALIFORNIA

The California Environmental Protection Agency, Department of Toxic Substances Control (Department) is spending public funds to investigate and conduct response actions to control releases and threatened releases of hazardous substances at the Bay Area Drum Site, a site listed on the priority list of the state "Superfund" sites pursuant to Health and Safety Code (H&SC) section 25356. The Site is located at 1212 Thomas Avenue, San Francisco, California. The purpose of this letter is as follows:

- (1) to inform you that the Department considers your company or organization a Potentially Responsible Party (PRP) at the site;
- (2) provide you with a brief description of the activities that have taken place to date at the Site and invite you to attend an informational meeting regarding the site's history and contamination.

Responsible parties under H&SC section 25323.5 include current and past owners and operators of facilities at which hazardous substances were disposed, as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. The Department has information indicating that your company may be a Responsible Party. The Department believes that your company did by contract, agreement or other mechanism arrange for the disposal, treatment, or the transportation for disposal or treatment of hazardous substances at the Site during its operation from 1948 to 1987. For your information and to facilitate organization, we have enclosed the names of the other PRPs who have been notified to date.

Pursuant to sections 25355.5, 25358.3 and 25360 of the H&SC and other laws, responsible parties are obligated to finance or undertake actions that the Department determines are necessary to protect public health and welfare or the environment.

Responsible Parties are liable for the costs incurred by the State in responding to any release or threatened release at the site. Such costs can include expenditures for investigation, planning, cleanup and enforcement.

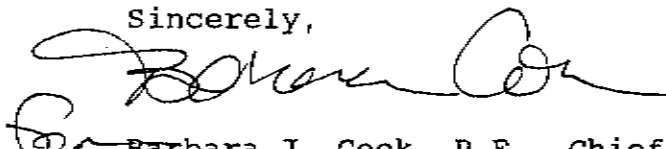


Also enclosed is a Fact Sheet which describes the background and proposed actions for the Site. The future activities to be completed by the Department are listed under the planned site activities section in this Fact Sheet. The Department has been involved in response activities at the Site since 1984 and has conducted extensive soil and groundwater investigations. An Expedited Response Action (ERA) was implemented in 1987 which directed the removal of contaminated soil and capping and fencing of the drum yard. The following remedial activities were completed in July, 1990.

The Department encourages cooperation by your company or organization with other PRPs and believes that a Responsible Party Committee is the best vehicle with which to adequately conduct work at the Site and satisfy the State's demand for costs. In order to facilitate negotiations with the other Responsible Parties in this matter and to provide additional information about the Site and respond to questions, the Department has scheduled a meeting to be held on June 4, 1992 at 1:00 p.m. at 700 Heinz Avenue, Suite 200, Berkeley, California. Please arrange for yourself or your representative to attend this meeting. Please provide Monica Gan of the Department at (510) 540-3767 by close of business on June 1, 1992 with name(s) of individuals attending this meeting on behalf of your company or organization.

For further information concerning technical issues, please contact Bill Brown at (510) 540-3841. For any legal questions, please contact Susan Bertken, Senior Staff Attorney, Toxics Legal Office at (408) 429-0113.

Sincerely,



Barbara J. Cook, P.E., Chief
Site Mitigation Branch

Enclosures



FACT SHEET

Number 4

California Environmental Protection Agency
Department of Toxic Substances Control, Region 2

Bay Area Drum Site
San Francisco, California

November 1991

STATE PREPARES FOR THE NEXT STEPS IN THE CLEANUP OF BAY AREA DRUM HAZARDOUS WASTE SITE

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) will be conducting further soil and ground-water testing to determine the effects of contamination at the Bay Area Drum Site (the Site), located at 1212 Thomas Avenue (see Area Map, Figure 1). This fact sheet has been prepared to update the community on the activities conducted and the planned activities to clean up the Site. This fact sheet contains:

- **Site History:** outlines the discovery and previous clean-up activities at the Site
- **Area Map:** shows the Site in relation to the Bayview-Hunter's Point community
- **Site Map:** details the location of the ground-water testing wells and the soil sampling areas in and around the Site
- **Planned Site Activities:** explains the future clean-up measures that will be done at the Site.

These sections will inform the community about clean-up activities at the Bay Area Drum Site.

Words or phrases in *italics* may be found in the Glossary on page 4.

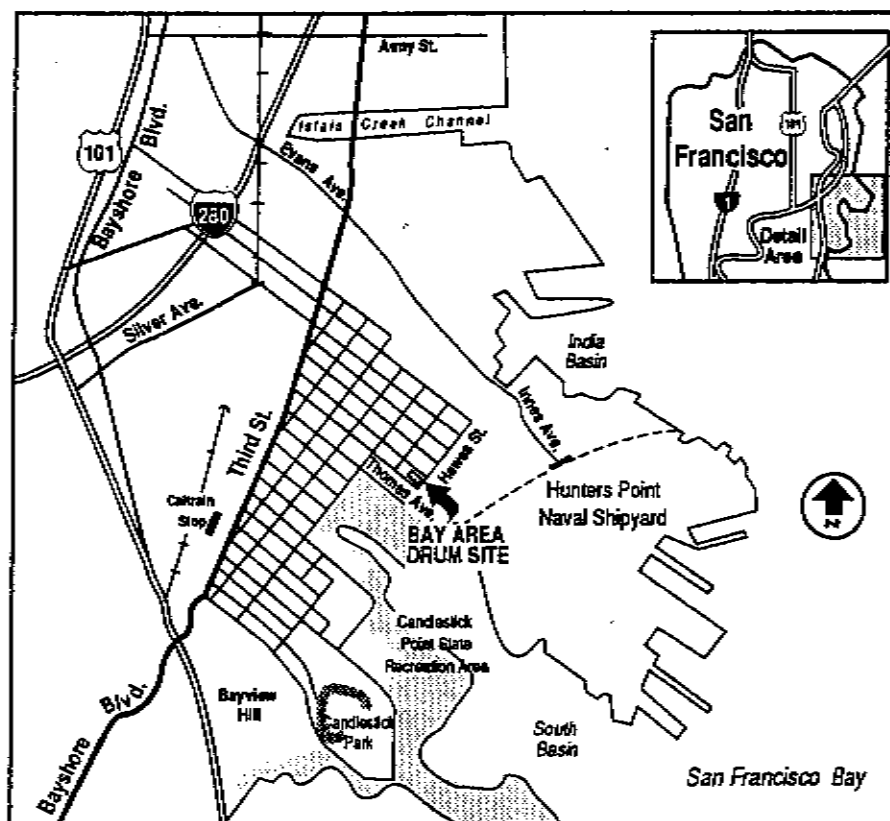


Figure 1 - AREA MAP - Bayview-Hunter's Point

Members of the community may receive more information about the Site by contacting DTSC or by reviewing the Site documents located at the information repository. The DTSC contact persons are located to the left. The location and the hours of the information repository are on page 3 of this fact sheet. The mail-back coupon in this fact sheet invites the community to get on the mailing list in order to receive future Site information.

SITE HISTORY

The Bay Area Drum Site was used as a drum reconditioning facility from the mid-1940s until 1987. A variety of chemicals including oils, solvents, paints, and asphalt products were contained in the used drums that were sent to the Site for reconditioning. Used drums were cleaned, reconditioned, repainted, and sold to other firms.

However, during the years of operations, the hazardous wastes that were contained in the drums leaked into the soil and *ground water*.

The San Francisco Department of Public Works began investigations into possible contamination at Bay Area Drum in 1980. DTSC and the San Francisco Public Health Department jointly investigated the Site in 1984. The soil and ground water, on- and off-site, were found to be contaminated with *lead*, *pesticides*, *grease*, *volatile organic compounds (VOCs)*, and *PCBs*. The soil contamination found in the drum yard and the backyards of several adjacent residences at the Bay Area Drum Site was at elevated levels; the Site was listed on California's State Priority Ranking List, or "State Superfund," in November of 1984 for cleanup of hazardous wastes. Beginning in 1986, Phase I and Phase II investigations

FOR MORE INFORMATION

Please Contact:

Shirley Buford
Public Participation Coordinator
(510) 540-3909
or
Ronald Lewis
Site Mitigation Unit Supervisor
(510) 540-3839

Department of Toxic
Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710

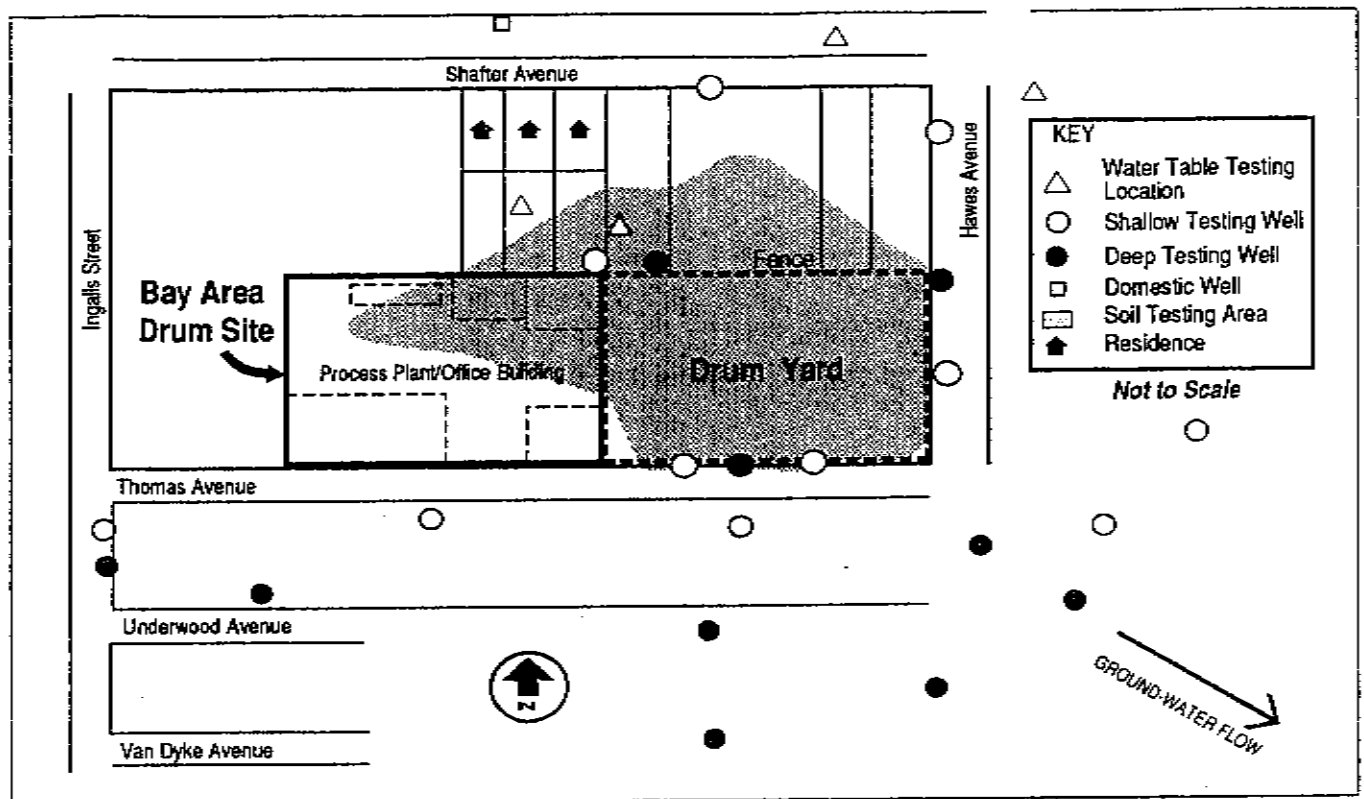


Figure 2 - SITE MAP - Bay Area Drum

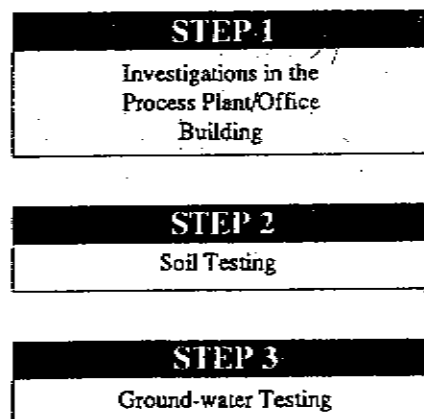
were conducted by DTSC to identify the type and extent of contamination at the Site. The location of the 22 ground-water testing wells and the soil sampling area is shown in the Site Map, Figure 2.

Soil contamination was found in adjacent residential lots, as well as in the drum yard, therefore, DTSC determined that a Public Health Risk Assessment was necessary to evaluate the threat of an immediate risk to human health. The health assessment was completed in 1987. It was determined that contamination at the Site necessitated immediate cleanup to limit potential health risks. Thus, an *Expedited Response Action* was implemented in late 1987 and early 1988. The Expedited Response Action required the removal and proper disposal of contaminated soil and stored waste materials from the drum yard and adjacent properties, and the capping and fencing of the drum yard. This portion of the remedial activities was completed in July of 1990. The cross-section of the cap that was placed on the drum yard is shown in Figure 3 (to the right).

PLANNED SITE ACTIVITIES

DTSC has completed the Preliminary Assessment and Site Inspection, and Phase I and II of the Remedial Investigation and is beginning to conduct Phase III of the Remedial Investigation. Figure 4, on page 3, illustrates the Site Mitigation process

and the steps that DTSC has completed. DTSC has decided to use a three-step approach to examine soil contamination, ground-water contamination, and contamination in the process plant/office building. The three steps of Phase III are:



Further clean-up measures in the Process Plant/Office Building (Step 1) are planned, including an upgrade of the building floor to isolate any contamination, and testing to identify the "hot spots" of contamination in the soil and ground water. Step 1 will also recommend clean-up alternatives for the building, depending upon the type and the location of contaminants. Step 2 will test the Soil to identify any remaining contamination at the Site. The effectiveness of the Expedited Response Action is the focus of the soil tests, and the results will determine if further cleanup is necessary. Step 3, the ground-water testing, will occur as the other two steps are taking place. A Public Health Risk Assessment will be prepared using the Phase III testing results to determine any potential risks from ground-water contamination to human health and the environment. The clean-

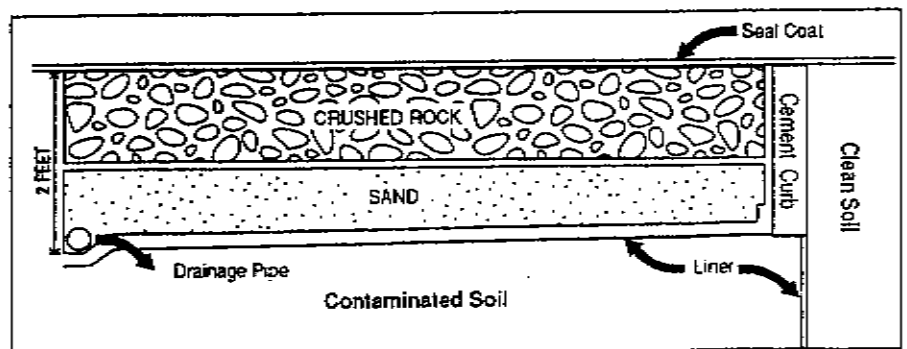


Figure 3 - DETAIL MAP - Cross Section of Drum Yard Sealing Cap

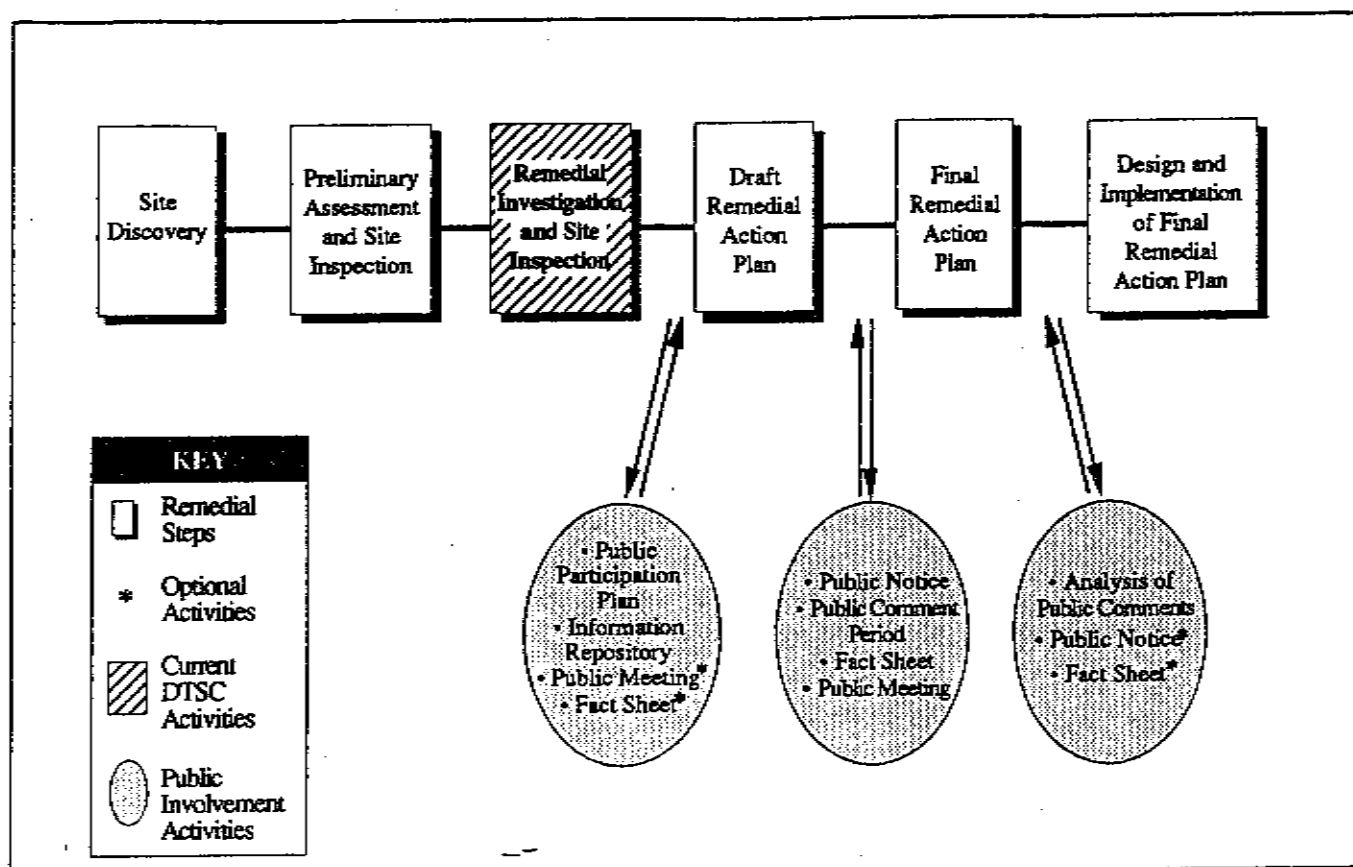


Figure 4 - Site Mitigation Process

up options for ground-water contamination will then be presented in a report known as a Feasibility Study.

The final steps in the clean-up of the Bay Area Drum Hazardous Waste Site

will be the preparation and implementation of the *Remedial Action Plan*, which outlines the long term clean-up measures selected by DTSC. The draft Remedial Action Plan, when completed, will be re-

leased for public comment. These comments will be considered and incorporated into the final Remedial Action Plan.

REVIEW SITE DOCUMENTS AT THE BAY AREA DRUM INFORMATION REPOSITORY

Anna E. Waden Public Library

Hours: Monday, Thursday, Friday

1pm - 6 pm; Tuesday 10 am - 6 pm;

and Wednesday 1 pm - 9 pm

5075 Third Street

San Francisco, California 94124

(415) 468-1323

Lee Olivier, Reference Librarian

MAILING LIST COUPON

If you would like to receive future information about the Bay Area Drum Site, please fill out this coupon, add appropriate postage, and mail it to: Shirley Buford, 700 Heinz Avenue, Suite 200, Berkeley, California 94710.

Name _____

Address _____

City/State/Zip _____

Telephone Number () _____

GLOSSARY

Department of Toxic Substances Control (DTSC) – A department within the new California Environmental Protection Agency, charged with responsibility for overseeing the investigation and cleanup of the Bay Area Drum Site, among others. DTSC was formerly the Toxic Substances Control Program of the Department of Health Services.

Expedited Response Action – An immediate measure taken to clean up hazardous materials at a hazardous waste site. This activity can occur during any phase of the site mitigation process.

Ground water – Water beneath the earth's surface that flows through soil and rock openings and often serves as a primary source of drinking water.

Lead – A heavy metal which is toxic at relatively low levels. Lead can cause damage to the nervous system and blood cells and is especially dangerous to young children.

PCBs (polychlorinated biphenyls) – Highly toxic compounds which are persistent in the environment. PCBs have been used in electrical transformers and capacitors and as plasticizers in waxes and paper manufacturing.

Pesticides – Literally, a pest-killer. It is a general term used to describe insecticides, herbicides, and fungicides.

Remedial Action Plan (RAP) – A DTSC-approved plan to clean up, or mitigate, a hazardous waste site. RAPs require a public meeting to gather public comment and a formal 30-day public comment period prior to finalization.

Remedial activities – Activities taken to clean up a hazardous waste site.

Risk Assessment – A report that examines the existing and potential risks to human, animal, and aquatic life at a hazardous waste site.

State Superfund – A financial account used to pay for cleanup of hazardous waste sites in the State. The Superfund process is complex and it often takes several years to clean up a site.

Volatile Organic Compounds (VOCs) – Organic (carbon-containing) compounds that evaporate (become a gas) readily at room temperature. Common forms of VOCs include industrial solvents.

POTENTIALLY RESPONSIBLE PARTIES

Ned Kisher, President
Danacolors, Inc.
1930 Fairway Drive
San Leandro, CA 94577

Carol Dantzler
Nadi Manufacturing, Inc.
606 Charcot Avenue.
San Jose, CA 95131

Scott Davis
General Manager
W.R. Meadows
865 Teal Drive
Benicia, CA 94510

Thomas Vandembosch
Plant Manager
Zoecon Corporation
975 California Avenue
Palo Alto, CA 94304

Mr. Karl C. Kluck

Privacy Act

Mr. Terrence Andrews
Interstate Oil Company
8221 Alpine Avenue
Sacramento, CA 95826

Mr. John D. Nicholson, Esq.
United Airlines Incorporated
1200 E. Algonguin Road
Elk Grove Township, IL 60007

Ms. Mary R. White
Corporate Environmental, Director
Quaker State Corporation
255 Elm Street
Oil City, PA 16301

Mr. Anthony B. Cavender, Esq.
Pennzoil Company
700 Milam Street
Houston, TX 77002

Terry S. Casey, Director
Environmental Health & Safety
Affairs
Kronos, Inc.
3000 N. San Houston Parkway East
Houston, TX 77032

Paul E. Grubs, President
Dorsett & Jackson, Inc.
3800 Noakes Street
Los Angeles, CA 90023-7180

Thomas R. Miller
Plant Manager
Bytech Chemical Corporation
1905 Dennison
Oakland, CA 94606

Mr. Freud F. Farley

Privacy Act

Mr. Edward Waymire, President
Waymire Drum Co., Inc.
7702 Maie Avenue
Los Angeles, CA 90001

Ms. Kim Schneider
Calif. Solvent Recycling Corp.
P.O. Box 50728
Palo Alto, CA 94303

Mr. H.M. Schneider
Romic Chemical Corporation
2081 Bay Road
East Palo Alto, CA 94303

Mr. James W. Bernard
Van Waters & Rogers, Inc.
801 Second Avenue
Seattle, Washington 98104-1564

Mr. Peter C. Van Alyea
Redwood Oil Company
455 Yolanda Avenue
Santa Rosa, CA 95402

Mr. Thomas J. Wilson, President
Peninsula Oil Company
1655 Jerrold Avenue
San Francisco, CA 94124

Mr. David P. Cooke
Law Department
Allied Signal, Inc.
101 Columbia Road
Morristown, New Jersey 07962

William D. Mulliken
Vice President, General Counsel
Chemcentral Corporation
7050 W. 71st Street
Bedford, Illinois 60638

Mr. Paul Brunetta
Safety & Environmental Manager
Stero Company
3200 Lakeville Highway
Petaluma, CA 94954

Mr. Zoyd Luce, Manager
System Safety Department
Bay Area Rapid Transit
1330 Broadway
P.O. Box 12688
Oakland, CA 94604-2688

Mr. Joseph Daley
V.P. in Charge
Manufacturing and Engineering
Witco Chemical
P.O. Box 310
Hahnville, LA 70057

Ms. Mary Clifford
Environmental Services Admin.
Syntex, U.S.A.
3401 Hillview Avenue
M/S AG-269
Palo Alto, Ca 94303

William S. Hood, Jr., Esq.
Senior Attorney
Ashland Chemical
5200 Blazer Parkway
Dublin, Ohio 43017

J.W. Eggenberger, Director
Disposal Mgmt. & Environmental
Protection
Defense Logistics Agency
DRMS
74 North Washington
Battle Creek, MI 49017

Mr. Andy Aberdale
W.R. Grace
2140 Davis Street
San Leandro, CA 94577

Ms. Patricia Goughan
Hewlett Packard
3000 Hanover St., 20 BQ
Palo Alto, CA 94304

Ms. Karen Gunderson, Manager
Environmental Compliance Div.
Aerojet
Dept. 5760, Bldg. 2001
P.O. Box 13222
Sacramento, CA 95813-6000

Mr. Bruce Cohen
Plant Manager
The Glidden Company
1000 - 16th Street
San Francisco, CA 94107

Ed Lynam, Director
Support Services
Teledyne McCormick Selph
P.O. Box 6
Hollister, CA 95024-006

REFERENCE CONTRACT OR AGREEMENT NO.
IFE 8828

THIS NUMBER MUST APPEAR
ON ALL INVOICES, PACKING
SLIPS, PACKAGES AND COR-
RESPONDENCE.

P.O. NUMBER
PAGE 1
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VENDOR NUMBER

V920336

VALLEY OIL COMPANY
P.O. BOX 326
MOUNTAIN VIEW
CA

94042

BART OAKLAND SHOP (OKS)
601 E. 8TH STREET
OAKLAND, CA

94606

BUYER NAME L. MALLORY	EXPEDITER N	REQUESTOR JOHN FORD	CONFIRMING TO / DATE MIKE TAFT 07/01/09	TAX STATUS ALLOWED
FOB POINT DESTINATION	SHIP VIA	FREIGHT PREPAID FRT PAID	TERMS NET 30	
PURCHASE REQUISITION NO. NNR8004	DEPARTMENT MAINT. & ENG.	SPONSORING COST CENTER # 642	P.O. TYPE 4	CAR. #ND

THIS IS A BLANKET ORDER

*** THE DISTRIBUTION INFORMATION FOR THIS ORDER IS
DIST ACCT BA030 680030 642
WORK ORDER W MF19SSWD

001

700,000.00

PART/DESC 1 LOT

COMMODITY CD 99

CREDIT CARD PURCHASES FOR THE PERIOD JULY 1 THROUGH JUNE 30.
TOTAL PURCHASE OF EACH TRANSACTION SHALL NOT EXCEED \$2,500
(INCLUDES SALES TAX & FREIGHT).

ATTENTION: GLORIA MARTIN
DELIVERY DATE: VARIOUS

CONFIRMING ** DO NOT DUPLICATE

BLANKET EXPIRES 06/30/10

TOTAL AMOUNT

700,000.00

Mail Invoices in duplicate to ACCOUNTING DIVISION



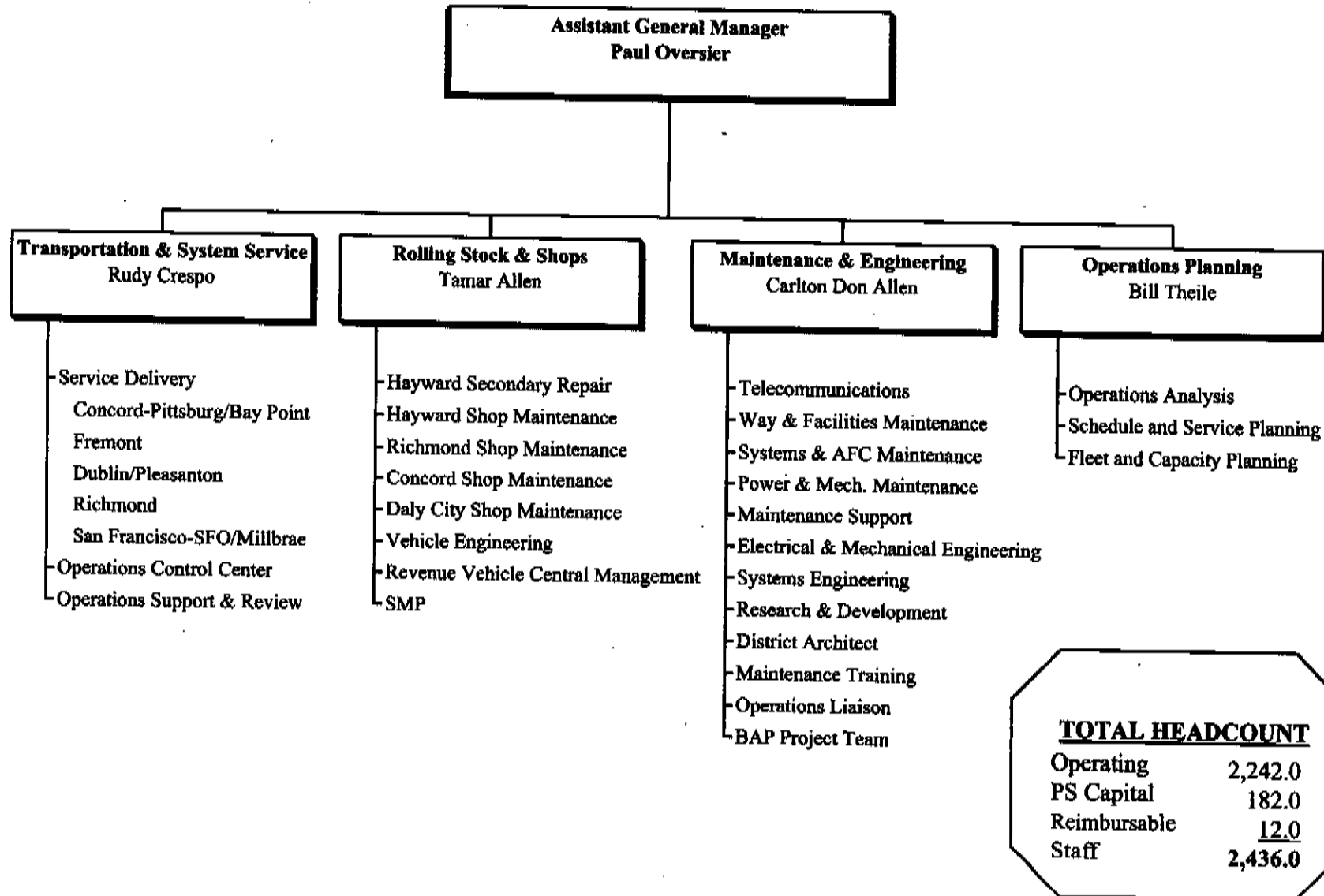
SAN FRANCISCO BAY AREA RAPID TRANSIT
300 Lakeside Drive
P.O. Box 12688
Oakland, California 94604-2688
Telephone (510) 464-6000

ORIGINAL

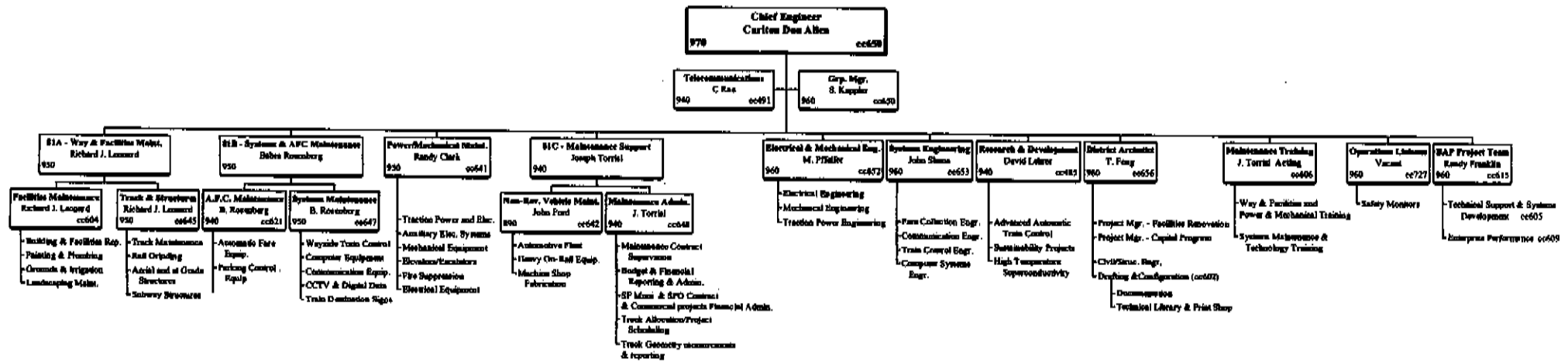
*Refer all questions to Buyer noted above.
Please see General Provisions on back of this form.
Form No. 1206 Cont.

OPERATIONS OFFICE - 08

FY10 Preliminary Budget



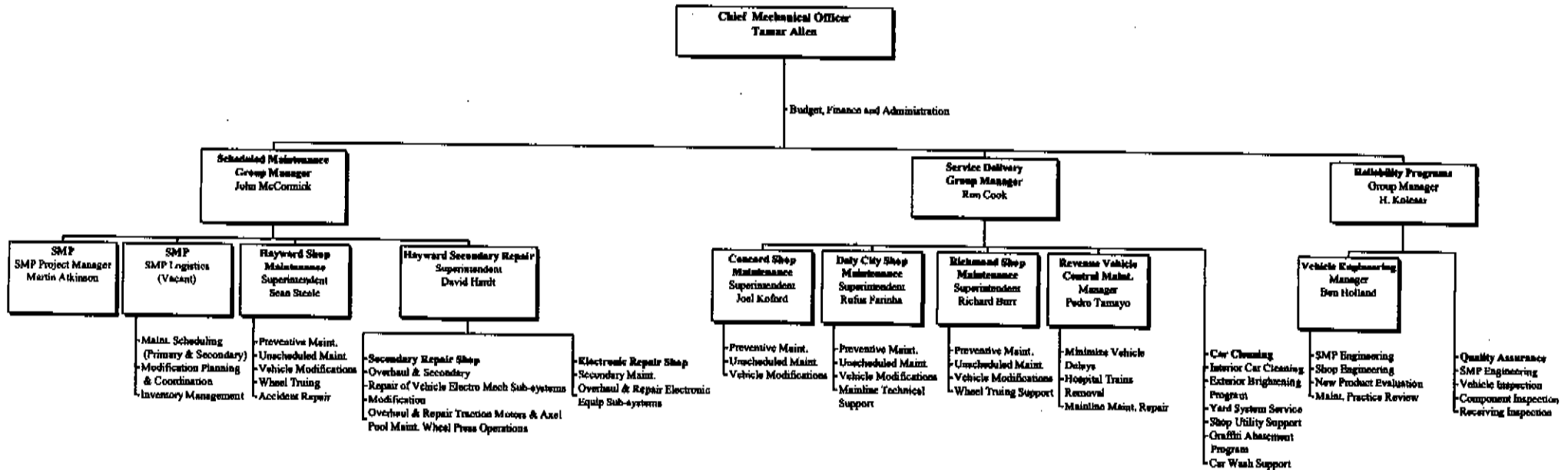
Maintenance & Engineering Department - 81 FY10 Preliminary Budget



TOTAL HEADCOUNT	
Operating	605.0
FS Capital	152.0
Reimb.	4.0
Staff	761.0

Rolling Stock & Shops Department - 83

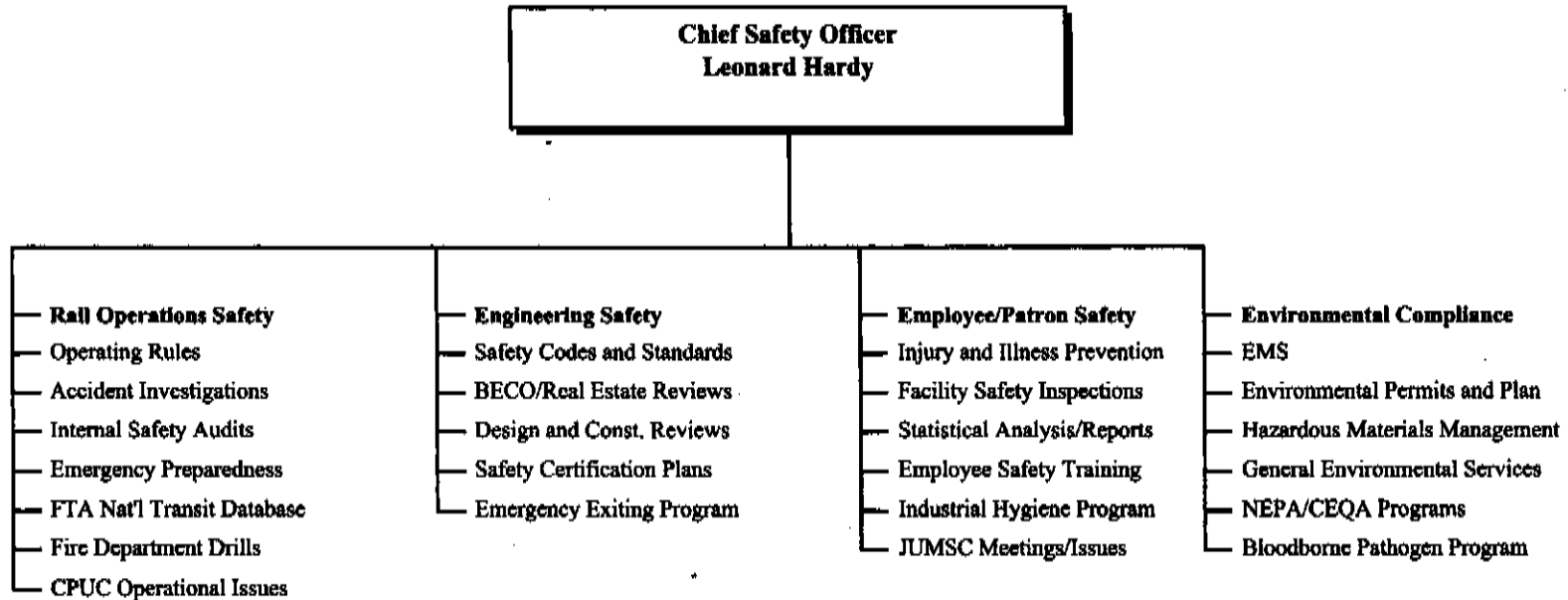
FY10 Preliminary Budget



TOTAL HEADCOUNT	
Operating	613.0
PS Capital	26.0
Reimbursable	1.0
Staff	640.0

System Safety Department - 73

FY10 Preliminary Budget

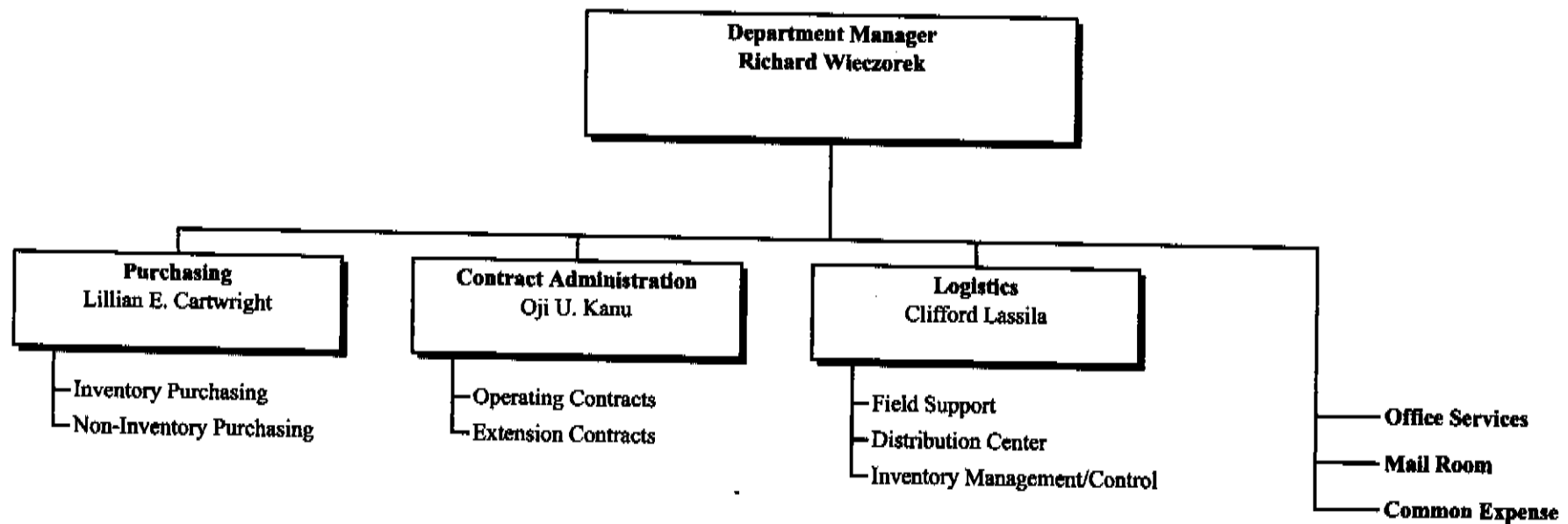


TOTAL HEADCOUNT

Operating	13.0
PS Capital	4.0
Reimbursable	0.0
Staff	17.0

Procurement Department 53

FY10 Preliminary Budget



TOTAL HEADCOUNT

Operating	87.0
PS Capital	4.0
Reimbursable	<u>1.0</u>
Staff	92.0

REFERENCE CONTRACT OR AGREEMENT NO.
EMAIL ROUTE

THIS NUMBER MUST APPEAR
ON ALL INVOICES, PACKING
SLIPS, PACKAGES AND COR-
RESPONDENCE.

PO NUMBER
PAGE
143449

08/19/09

VENDOR NUMBER
V231537

EP CONTAINER CORPORATION
12750 MOORE STREET
CERRITOS
CA

90703

BART HAYWARD STOREROOM
150 SANDOVAL WAY
HAYWARD, CA

94544

BUYER NAME R. BENNETT	EXPEDITER I	REQUESTOR INV. MGMT.	CONFIRMING TO / DATE SHIRLEY 08/19/09	TAX STATUS ALLOWED
FOB POINT DESTINATION	SHIP VIA	FREIGHT PREPAID FRT PAID	TERMS NET 30	
PURCHASE REQUISITION NO. RB54356	DEPARTMENT INV. MGMT.	SPONSORING COST CENTER #	P.O. TYPE 1	CAP. IND

*** COMMITTED DELIVERY DATE FOR THIS ORDER IS - 09/02/09

*** THE DISTRIBUTION INFORMATION FOR THIS ORDER IS
DIST ACCT BA030 141010 030
WORK ORDER

001 24 EA 53.00 1,272.00

PART/DESC 81-05-27580 COMMODITY CD 81-05

DRUM, STEEL, NEW, TYPE 17H, 55 GALLON, WITH LID, RING AND BOLT
NOTE: DELIVERIES MUST BE PALLETIZED

PHONE: 800-211-0311 FAX: 562-282-1888
EMAIL: SHIRLEY@EPCONTAINER.COM

OVERSHIPMENTS WILL NOT BE ACCEPTED AND WILL BE RETURNED AT
VENDOR'S EXPENSE.
A WRITTEN PURCHASE ORDER, SIGNED BY THE DISTRICT'S GENERAL
MANAGER OR AUTHORIZED REPRESENTATIVE MAY BE E-MAILED TO THE
VENDOR. THE E-MAILED DOCUMENT WILL BE THE OPERATIVE PURCHASE O-
RDER AND THE DISTRICT WILL RETAIN THE ORIGINAL.

GENERAL PROVISIONS FOR THIS PURCHASE ORDER ARE ATTACHED.

CONFIRMING ** DO NOT DUPLICATE

CALIFORNIA SALES TAX
TOTAL AMOUNT

124.0
1,396.0

Mail invoices in duplicate to ACCOUNTING DIVISION



SAN FRANCISCO BAY AREA RAPID TRANSIT
300 Lakeside Drive
P.O. Box 12688
Oakland, California 94604-2688
Telephone (510) 464-6000

ORIGINAL

*Refer all questions to Buyer noted above.
Please see General Provisions on back of this form.
Form No. 1206 Cont.

REFERENCE CONTRACT OR AGREEMENT NO.
EMAIL

THIS NUMBER MUST APPEAR
ON ALL INVOICES, PACKING
SLIPS, PACKAGES AND COR-
RESPONDENCE.

PO NUMBER
PAGE 1
146447

DATE 10/02/09

VENDOR NUMBER V231537

EP CONTAINER CORPORATION
12750 MOORE STREET
CERRITOS
CA 90703

BART HAYWARD STOREROOM
150 SANDOVAL WAY
HAYWARD, CA

94544

BUYER NAME L. WARD	EXPEDITER I	REQUESTOR INV. MGT.	CONFIRMING TO / DATE BIANCA 10/01/09	TAX STATUS ALLOWED
FOB POINT DESTINATION	SHIP VIA	FREIGHT PREPAID FRT PAID	TERMS NET 30	
PURCHASE REQUISITION NO. RB225498	DEPARTMENT ICS	SPONSORING COST CENTER #	P.O. TYPE 1	CAP. IND

*** COMMITTED DELIVERY DATE FOR THIS ORDER IS - 06/30/10

*** THE DISTRIBUTION INFORMATION FOR THIS ORDER IS
DIST ACCT BA030 141010 030
WORK ORDER

001 100 EA 51.00 5,100.00

PART/DESC B1-05-27580 COMMODITY CD B1-05

DRUM, STEEL, NEW, TYPE 17H, 55 GALLON, WITH LID, RING AND BOLT
DELIVERIES MUST BE PALLETIZED.

NOTE:

24 WILL BE RELEASED ON 10/5/09. MATERIAL CONTROLLER WILL CONTACT
T. VENDOR FOR ALL OTHER RELEASES AS NEEDED.

CONTACT: BIANCA PHONE: 800-211-0311
BIANCA@EPCONTAINER.COM FAX: 562-282-1888

OVERSHIPMENTS WILL NOT BE ACCEPTED AND WILL BE RETURNED AT
VENDORS EXPENSE.

A WRITTEN PURCHASE ORDER, SIGNED BY THE DISTRICT'S GENERAL
MANAGER OR AUTHORIZED REPRESENTATIVE MAY BE E-MAILED TO THE
VENDOR. THE E-MAILED DOCUMENT WILL BE THE OPERATIVE PURCHASE O
RDER AND THE DISTRICT WILL RETAIN THE ORIGINAL.

GENERAL PROVISIONS FOR THIS PURCHASE ORDER ARE ATTACHED.

CONFIRMING ** DO NOT DUPLICATE

Mail Invoices in duplicate to ACCOUNTING DIVISION (CONTINUED NEXT PAGE)



SAN FRANCISCO BAY AREA RAPID TRANSIT
300 Lakeside Drive
P.O. Box 12688
Oakland, California 94604-2688
Telephone (510) 464-6000

ORIGINAL

Refer all questions to Buyer noted above.
Please see General Provisions on back of this form.
Form No. 1208 Cont

REFERENCE CONTRACT OR AGREEMENT NO.
QUOTE

THIS NUMBER MUST APPEAR
ON ALL INVOICES, PACKING
SLIPS, PACKAGES AND COR-
RESPONDENCE.

CO. NUMBER
PAGE 1
141996

DATE 04/01/08

VENDOR NUMBER
V231537

EP CONTAINER CORPORATION
12750 MOORE STREET
CERRITOS
CA 90703

BART HAYWARD STOREROOM
150 SANDOVAL WAY
HAYWARD, CA 94544

BUYER NAME R. CIFELLI	EXPEDITER I	REQUESTOR ICS	CONFIRMING TO / DATE ALLISON 04/01/08	TAX STATUS ALLOWED
FOB POINT DESTINATION	SHIP VIA	FREIGHT PREPAID FRT PAID	TERMS NET 30	
PURCHASE REQUISITION NO. RB22B17	DEPARTMENT ICS	SPONSORING COST CENTER #	P.O. TYPE 1	CAP. IND

*** COMMITTED DELIVERY DATE FOR THIS ORDER IS - 04/01/09

*** THE DISTRIBUTION INFORMATION FOR THIS ORDER IS
DIST ACCT BA030 141010 030
WORK ORDER

001 120 EA 74.00 8,880.0

PART/DESC 81-05-27580

COMMODITY CD 81-05

DRUM, STEEL, NEW, TYPE 17H, 55 GALLON, WITH LID, RING AND BOLT N
NOTE: DELIVERIES MUST BE PALLETIZED AND
TE: TO BE BACK ORDERED BY IMELDA LEHNE AT HY - THIS IS AS REQUI
RED DELIVERY.
PHONE: 800-211-0312 FAX: 562-282-1888

OVERSHIPMENTS WILL NOT BE ACCEPTED AND WILL BE RETURNED AT
VENDORS EXPENSE.

A WRITTEN PURCHASE ORDER, SIGNED BY THE DISTRICT'S GENERAL
MANAGER OR AUTHORIZED REPRESENTATIVE MAY BE E-MAILED TO THE
VENDOR. THE E-MAILED DOCUMENT WILL BE THE OPERATIVE PURCHASE O
RDER AND THE DISTRICT WILL RETAIN THE ORIGINAL.

GENERAL PROVISIONS FOR THIS PURCHASE ORDER ARE ATTACHED.

CONFIRMING ** DO NOT DUPLICATE

CALIFORNIA SALES TAX
TOTAL AMOUNT

777.01
9,657.01

Mail invoices in duplicate to ACCOUNTING DIVISION



SAN FRANCISCO BAY AREA RAPID TRANSIT
300 Lakeside Drive
P.O. Box 12688
Oakland, California 94604-2688
Telephone (510) 464-6000

ORIGINAL

*Refer all questions to Buyer noted above.
Please see General Provisions on back of this form.
Form No. 1208 Cont.

REFERENCE CONTRACT OR AGREEMENT NO.
EMAIL

THIS NUMBER MUST APPEAR
ON ALL INVOICES, PACKING
SLIPS, PACKAGES AND COR-
RESPONDENCE.

P.O. NUMBER
PAGE 2
146447

V231537

EP CONTAINER CORPORATION

BUYER NAME		EXPEDITER	REQUESTOR	CONFIRMING TO / DATE	TAX STATUS
FOB POINT		SHIP VIA	FREIGHT PREPAID	TERMS	
PURCHASE REQUISITION NO.		DEPARTMENT	SPONSORING COST CENTER #	P.O. TYPE	CAP. IND.

CALIFORNIA SALES TAX¹
TOTAL AMOUNT

497.25
5,597.25

Mail invoices in duplicate to ACCOUNTING DIVISION



SAN FRANCISCO BAY AREA RAPID TRANSIT
300 Lakeside Drive
P.O. Box 12688
Oakland, California 94604-2688
Telephone (510) 464-6000

ORIGINAL

*Refer all questions to Buyer noted above.
Please see General Provisions on back of this form.
Form No. 1205 Cont.

REFERENCE CONTRACT OR AGREEMENT NO.
VERBAL QUOTE

THIS NUMBER MUST APPEAR
ON ALL INVOICES, PACKING
SLIPS, PACKAGES AND COR-
RESPONDENCE.

P.O. NUMBER
PAGE 1
141848 -C

DATE 10/29/07

VENDOR NUMBER V231537

EP CONTAINER CORPORATION
12750 MOORE STREET
CERRITOS
CA 90703

BART HAYWARD STOREROOM
150 SANDOVAL WAY
HAYWARD, CA 94544

BUYER NAME R. CIFELLI	EXPEDITER I	REQUESTOR ICS	CONFIRMING TO / DATE ALLISON 10/29/07	TAX STATUS ALLOWED
FOB POINT DESTINATION	SHIP VIA	FREIGHT PREPAID FRT PAID	TERMS NET 30	
PURCHASE REQUISITION NO. RB52743		DEPARTMENT ICS	SPONSORING COST CENTER #	P.O. TYPE 1

*** COMMITTED DELIVERY DATE FOR THIS ORDER IS - 02/01/08

*** THE DISTRIBUTION INFORMATION FOR THIS ORDER IS
DIST ACCT BAO30 141010 030
WORK ORDER

001 48 EA 62.00 2,976.00

PART/DESC 81-05-27580 COMMODITY CD 81-05

DRUM, STEEL, NEW, TYPE 17H, 55 GALLON, WITH LID, RING AND BOLT

NOTE: DELIVERIES MUST BE PALLETIZED

DELIVERY SCHEDULE: MATERIAL CONTROLLER FROM HY WILL CONTACT VE
NDOR WHEN NEEDED.

PHONE: 800-211-0312 FAX: 562-282-1888

CHANGE ORDER TO INCREASE QTY FROM 14EA TO 136EA PER E-MAIL RE
QUEST FROM ICS (SEE FILE)

CONFIRMING ** DO NOT DUPLICATE

CALIFORNIA SALES TAX
TOTAL AMOUNT

260.4
3,236.4

Mail invoices in duplicate to ACCOUNTING DIVISION



SAN FRANCISCO BAY AREA RAPID TRANSIT
300 Lakeside Drive
P.O. Box 12688
Oakland, California 94604-2688
Telephone (510) 464-6000

ORIGINAL

*Refer all questions to Buyer noted above.
Please see General Provisions on back of this form.
Form No. 1208 Cont.